IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 24892 of 2007(L)

PETITIONER:

P.AMARAVEL, S/O.P.PAZHANIAPPAN,
PROPRIETOR, PILES TREATMENT CENTRE,
NEAR PRIVATE BUS STAND, K.S.F.E. BUILDING,
KARUKACHAL, KOTTAYAM.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:
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1. **DISTRICT SUPERINTENDENT OF POLICE,**
   KOTTAYAM.

2. **CIRCLE INSPECTOR OF POLICE,**
   VAKATHANAM POLICE STATION,
   KOTTAYAM.

3. **SUB INSPECTOR OF POLICE,**
   KARUKACHAL POLICE STATION,
   KOTTAYAM.

***ADDL.R4 IS IMPLEADED:**

R4. THE REGISTRAR,
TRAVANCORE COCHIN COUNCIL OF MODERN MEDICINE,
TRIVANDRUM.

(*ADDL.R4 IS IMPLEADED AS PER ORDER DTD. 5/09/2007 IN I.A.NO.11650/07)

BY ADV. SRI.N.RAGHURAJ, SC, TCMC & KNMC for Addl.R4
BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.24892/2007 L

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF AFFIDAVIT SWORN BY DR. J.BHASKARAN.**

EXT.P2: **COPY OF THE CERTIFICATE ISSUED TO DR.J.BHASKARAN BY TAMIL NADU MEDICAL COUNCIL.**

EXT.P3: **COPY OF THE REGISTRATION CERTIFICATE ISSUED TO DR. J.BHASKARAN BY THE TRAVANCORE COCHIN MEDICAL COUNCIL.**

EXT.P4: **COPY OF THE BROCHURE WITH REGARD TO THE PILES TREATMENT CENTRE RUN BY THE PETITIONER.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 24892 OF 2007-L

Dated 14th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is running a piles treatment centre at Karukachal, Kottayam. He submits,he is only managing the said hospital and one Dr.J.Bhaskaran is doing the treatment of the patients. His affidavit is produced as Ext.P1 along with the writ petition. But, the police are unnecessarily harassing the petitioner, on the allegation that he is doing the treatment and as he is not qualified, he cannot be permitted to run the hospital. The petitioner submits and asserts that he is not treating any patient. Only Dr.J.Bhaskaran is treating the patients. Alternatively, it is submitted that the treatment made by an unqualified person may be an offence under the Travancore-Cochin Medical Practitioners Act.. But, for the offence under the said Act, the police cannot take any action. It is a non-cognizable offence. Therefore, even assuming the petitioner is practicing, the police have no authority to interfere in the matter, it is

submitted.

2. The learned Government Pleader, upon instructions, submitted that the doctor is not available in the hospital and the treatment is done exclusively by the petitioner. Since he is unqualified, the practice on modern medicine by him will amount to an offence under Section 420 of the I.P.C also, apart from the offences under the Travancore-Cochin Medical Practitioners Act. The police had earlier registered a crime against him. Even thereafter, he is continuing treatment of patients. But, the allegations of harassment etc., are denied by the learned Government Pleader. If the hospital is run with a qualified medical practitioner for doing the treatment, the police will not interfere with the functioning of the hospital, it is submitted.

3. We heard the learned standing counsel for the T.C. Medical Council also. He submitted that Dr.J.Bhaskaran is qualified to practice modern medicine in the State of Kerala. He has got registration with the Council. So far, no complaint has been received against the hospital by the Council.

4. Having regard to the facts of the case, we are of the view that the submission of the learned Government Pleader that if the treatment in the hospital is done by a qualified medical practitioner, the police will not

interfere, will redress the grievance of the petitioner. Recording the said submission, the writ petition is disposed of.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/